

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARIEA VANDEMARK,

Plaintiff,

-against-

6:03-CV-0587
(LEK/GHL)

MICHAEL J. ASTRUE,
Commissioner of Social Security

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on June 29, 2007, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 32).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Lowe's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 32) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

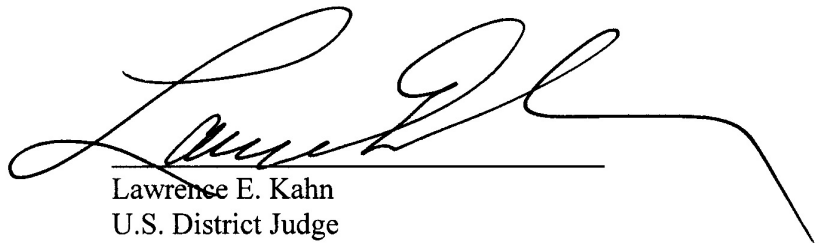
ORDERED, that the matter be remanded to the Commissioner for further proceedings

consistent with the Report-Recommendation. The Commissioner shall explain how the evidence supports each conclusion as to Plaintiff's Residual Functional Capacity, as well as to develop the record, obtain missing records and reevaluate and explain the weight given to certain testimony, as described in the Report-Recommendation; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: July 25, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge